

ISSUE DATE: April 25, 1996

DOCKET NO. P-5145/NA-95-76

ORDER ALLOWING WITHDRAWAL OF APPLICATION

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Joel Jacobs
Tom Burton
Marshall Johnson
Dee Knaak
Don Storm

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of a Request by Business
Discount, Inc. for a Certificate of Authority to
Operate as a Telecommunications Carrier in
Minnesota

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PROCEDURAL HISTORY

On January 27, 1995, Business Discount Plan, Inc. (BDP or the Company) filed an application for authority to provide service as a telecommunications carrier in Minnesota.

On February 13, 1995, BDP filed a request to withdraw its application.

On February 22, 1995, the Department of Public Service (the Department) filed comments recommending denial of the application. The Department based its recommendation upon three factors. First, the Department believed that BDP's financial information was insufficient for a determination of the Company's long-term ability to serve. Second, because BDP's rates were generally significantly higher than AT&T's, the Department believed its rates were not in the public interest. Third, the Department noted that BDP's predecessor in interest, Trans National Telephone, Inc. (TNT), was currently under investigation for unauthorized provision of service. Docket No. P-5110/C-95-872.

On February 28 and March 1, 1996, BDP filed further explanations of its request to withdraw its application. BDP stated that it had originally filed its application in an effort to assure the Commission of its willingness to commit to the Commission's jurisdiction in the ongoing TNT investigation. Because the investigation was now assigned to a separate docket, the Company felt its application was not necessary. BDP also stated that it had developed a business plan which did not target Minnesota as a market to serve, either at the present time or in the future.

BDP stated that it was aware of the Department's concerns regarding the adequacy of its financial filing. While the Company could submit further financial information, for business reasons it preferred keeping the financial information private and withdrawing the application. If the Commission did not accept the application withdrawal, however, BDP requested further time to amend and supplement the financial filings.

On April 16, 1996, the matter came before the Commission for consideration.

FINDINGS AND CONCLUSIONS

BDP has indicated that it does not intend to provide telecommunications service in Minnesota. The Department's concerns regarding the adequacy of the Company's financial filings and the level of its proposed rates should therefore be resolved.

In the investigation docket, the Commission has referred BDP's predecessor, TNT, to the Office of Attorney General for enforcement proceedings.¹ The issues raised by the complaint and investigation have thus been settled.

The Department has indicated that it does not object to the Company's withdrawal of its application.

For these reasons, the Commission will accept BDP's request to withdraw its application for authority to provide telecommunications service.

ORDER

1. The Commission accepts BDP's request to withdraw its application for authority to provide telecommunications service.
2. Docket No. P-5145/NA-95-76 is closed.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)

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¹ In the Matter of a Complaint against Trans National Telephone, Inc. Filed by the Department of Public Service Concerning the Unauthorized Provision of Service as a Telecommunications Carrier in Minnesota, Docket No. P-5110/C-95-872, ORDER REFERRING MATTER TO OFFICE OF ATTORNEY GENERAL FOR ENFORCEMENT PROCEEDINGS (April 25, 1996).